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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SIXTH APPELLATE DISTRICT

THE PEOPLE,

Plaintiff and Respondent,

v.

LANDON RICHARD CRAMER,

Defendant and Appellant.

H044625

(Santa Clara County

Super. Ct. No. C1235435)

The court finds this appeal suitable for resolution by memorandum opinion. (See Standards of Judicial Administration, Title 8, Standard 8.1.)

Defendant Landon Cramer set fire to his ex-girlfriend's house, twice. He pleaded no contest to two counts of arson of an inhabited structure (Pen. Code, § 451, subd. (b)) and admitted enhancement allegations for using an accelerant and causing more than \$200,000 in damage. (Pen. Code, §§ 451.1, subd. (a)(5); 12022.6, subd. (a)(2).) He was sentenced to fourteen years eight months in prison (11 years for the arson; plus three years eight months for an unrelated case from Butte County, where he was convicted of inflicting corporal injury on a person with whom he had a dating relationship (Pen. Code, § 273.5, subd. (a)), making criminal threats (Pen. Code, § 422), and resisting an officer (Pen. Code, § 148, subd. (a).)

The trial court also ordered defendant to pay victim restitution in the amount of \$887,756.15. Of that total, \$29,919.23 is for jewelry that was in the victim's house but never recovered. Defendant contends the trial court erred by including the value of the

jewelry in the restitution order. He argues that his conduct was not the proximate cause of the loss because the jewelry was not destroyed by fire; rather, it was not recovered from the house afterward, for which he faults the restoration company tasked with site cleanup: “For reasons unknown, even though the drawer [containing the jewelry] was physically in tact and there was no reason to believe that its contents had been physically destroyed, the various items of jewelry were never retrieved.”

In every case where a crime victim incurs an economic loss, the trial court must order the defendant to pay restitution in the full amount of the loss. (Pen. Code, § 1202.4, subd. (f).) We review such an order for abuse of discretion. (*People v. Sy* (2014) 223 Cal.App.4th 44, 63.) Although we must liberally construe a victim's right to restitution, a restitution order based on a demonstrable error in law is an abuse of discretion. (*Ibid.*)

Defendant argues the trial court made a legal error in finding that he proximately caused the loss of the jewelry. Proximate cause is judged by the substantial factor test. (*People v. Holmberg* (2011) 195 Cal.App.4th 1310, 1321.) “ ‘ “The substantial factor standard is a relatively broad one, requiring only that the contribution of the individual cause be more than negligible or theoretical. [Citation.] Thus, ‘a force which plays only an “infinitesimal” or “theoretical” part in bringing about injury, damage, or loss is not a substantial factor’ [citation], but a very minor force that does cause harm is a substantial factor.” ’ ” (*Id.* at pp. 1321–1322, citing *Bockrath v. Aldrich Chemical Co.* (1999) 21 Cal.4th 71, 79.) Setting fire to the house where the jewelry was kept played more than an infinitesimal or theoretical part in bringing about its loss. A significant house fire renders the structure insecure and its contents vulnerable to damage, misplacement, mishandling, or even theft. That some possessions, even though they survive a blaze, may ultimately not be recovered from the wreckage is a predictable outcome. The trial court did not abuse its discretion by including the value of the missing jewelry in the amount of restitution.

DISPOSITION

The judgment is affirmed.

Grover, J.

WE CONCUR:

Elia, Acting P. J.

Bamattre-Manoukian, J.